

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

March 12, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

OLIVIA BAYS,

Plaintiff,

v.

NEW BRAUNFELS POLICE DE-
PARTMENT; CITY OF NEW
BRAUNFELS, TEXAS; DETECTIVE
CHRISTOPHER DIAZ; CHIEF OF
POLICE KEITH LANE, NEW
BRAUNFELS, TEXAS; ASSISTANT
CHIEF JOE VARGAS, NEW BRAUN-
FELS, TEXAS; OFFICER JOEL
HAWK; OFFICER TIMOTHY SHAF-
FER; OFFICER 2 J. DOE; and OF-
FICER JOHN DOE,

Defendants.

BY: NM
DEPUTY

CIVIL NO. SA-23-CV-01566-OLG

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Elizabeth S. Chestney's Report and Recommendation (R&R), filed February 3, 2025, concerning the Amended Motion to Dismiss filed by Defendants (Dkt. No. 29). (*See* R&R, Dkt. No. 31.)

A party who wishes to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days. FED. R. CIV. P. 72(b)(2). Plaintiff was electronically served with a copy of the R&R on February 4, 2025, and timely filed a Motion to Reconsider, which the Court construes as Plaintiff's objections to the R&R, on February 18, 2025 (*see* Dkt. No. 33).

When a party objects to an R&R, the Court must make a de novo determination as to "any part of the magistrate judge's disposition that has been properly objected to." FED. R. CIV. P. 72(b)(3); *see United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989). Objections must be specific; frivolous, conclusory, or general objections need

not be considered by the district court. *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982), *overruled on other grounds by Douglass v. U.S. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)). Any portions of the Magistrate Judge's findings or recommendations that were not objected to are reviewed for clear error. *Wilson*, 864 F.2d at 1221.

Although the Court cannot discern any specific objection to the R&R in Plaintiff's filing, it has reviewed the entirety of the R&R de novo and finds that the recommendation is in all things correct and should be accepted. Accordingly, Plaintiff's Motion to Reconsider (Dkt. No. 33) is **DENIED**.

The Court therefore **ADOPTS** the Magistrate Judge's R&R (Dkt. No. 31) and, for the reasons set forth therein, Defendants' Amended Motion to Dismiss (Dkt. No. 29) is **GRANTED** and Plaintiff's claims against Defendants are **DISMISSED**.¹

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this 12 day of March, 2025.



ORLANDO L. GARCIA
United States District Judge

¹Based on the record, the two John Doe officers have been neither identified nor served. Accordingly, the Court dismisses Plaintiff's claims against these defendants **WITHOUT PREJUDICE**. See FED. R. CIV. P. 4(m).